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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,827	08/14/2001	Maxine C. Thome	P147.102.101	8836

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EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,827

Applicant(s)

THOME ET AL

Examiner

John A. Ward

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a light bulb guard half 154 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy (US 3,826,912).

Regarding claim 1, Pomroy ('912) shows a light bulb guard comprising of a frame (A), a first half 12 and a second half 10, and a base flange 26. Figure 2 shows that the body extends generally perpendicular relative to the base flange to extend in a spaced relationship alongside and about the light source. Figure 2 further show that the base flange 26 is configured and arranged for disposition between a light socket fixture (not

labeled), and a building structure and including means for removably securing the body of the two frame halves relative to each other (column 1, lines 1-29).

Regarding claim 2, 6, and 7 Pomroy discloses at least one projection 32 on a first edge of the first body 16 and a hole 28 disposed on a first edge of the second body half 14, figure 4 show how the projection is configured to slidably engage the hole.

Regarding claim 3, Pomroy discloses at least one projection 60 disposed on the second edge of the second body 14 and a hole 62 disposed on a second edge of the first body half wherein the projection is configured to slidably engage the hole (figure 8).

Regarding claim 8, figure 3 Pomroy discloses how the base flange of each frame half has a generally semi-annular shape and includes at least one slot extending radially outward from a generally circular shaped, inner edge of the base flange, the slot 60 being disposed at generally right angle relative to a side edge of the base flange so that when respective side edges of the two frame halves are joined together the slot of the first body half and the slot of the second body half are aligned diametrically opposed to each other and aligned generally parallel to each other (column 3, lines 6-24).

Regarding claim 9, figure 1 shows how each body edge includes a bottom edge having a generally semi-circular shape so that when the two body halves are joined together, the bottom edge formed a generally circular access hole for accessing a light bulb enclosed by the light guard (figure 2).

Regarding claim 10, figure 1 shows that the body extends from an edge of the base flange and define a latticework of support members extending at angles relative to each other.

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Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy.

Regarding claim 11, Pomroy teaches a method guarding a light source in a light socket fixture comprising securing a base portion of a frame between the light socket fixture and a building structure to cause a body portion of the frame, which extends perpendicularly relative to the base portion of the frame, to extend in a spaced relationship alongside and about the light source (column 3, lines 6-29).

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy.

Regarding claim 12, Pomroy teaches in column 3, lines 6-29 a method of guarding a light source in a light socket fixture (not labeled) comprising of removably securing the first base portion 10 of the frame between the light socket fixture and a building structure to cause a first body portion of the frame, which extends generally perpendicularly relative to the base portion of the frame, to extend in a spaced relationship alongside and about the light source.

Removably securing a second base portion 12 of the frame between the light socket fixture and a building structure to cause a first body portion of the frame, which extends generally perpendicularly relative to the base portion of the frame, to extend in a spaced relationship alongside and about the light source. Removably securing the first body portion relative to the second body portion to protectively enclose the light source within the frame.

Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy ('912).

Regarding claim 15, Pomroy discloses a base portion 30, 30a having a generally annular shape (figure 1), and a body portion 10, 12, extending perpendicular outward from the base in a generally cylindrical shape and defining a latticework of support (figure 1).

Regarding claim 16, the base portion includes slots 28, 28a configured for receiving fasteners 33, 33a.

Regarding claim 17, the base portion and body portion are comprise of two halves 10, 12 and configured substantially the same as each other and including a releasably securing mechanism 60, 60a, and 62, 62a, for releasably securing the two halves together.

Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pomroy.

Regarding claim 18, Pomroy discloses a light guard comprising a base portion 30, 30a having an annular shape that defines a central hole 56 with the central hole being sized and configured for securing the base portion directly against a mounting surface independent of a light fixture (figure 2). A body portion 14, 16 extending generally perpendicular outward from the base in a generally cylindrical shape and defining a latticework of support members (figure 1).

Regarding claim 19, Pomroy discloses the base portion having a fastening mechanisms comprising of hooks 60, 60a and holes 62, 62a.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Broder (US 3,119,568).

Regarding claims 20, Broder ('568) discloses a base portion 28, 30, that defines a central hole 32, 34, a body portion having a first half 12, a second half 14 extending generally perpendicular outward from the base in a generally cylindrical shape and defining a latticework of support members 42, 44. A living hinge 54 connecting a first half and a second half 12, 14 to be moved between an open position for access to an interior of the body portion and a closed position for preventing access to and interior of the body portion (column 3, lines 34-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pomroy ('912).

Regarding claims 4 and 5, Pomroy ('912) shows a light bulb guard comprising of a frame A, a first half 12 and a second half 10, and a base flange 26, but does not disclose the clasp disposed on the first edge of the first body half and configured for slidably engaging portion of the first and second edge of the first and second body half.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a clasp, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. **In re Leshin, 125 USPQ 416.**

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorn (US 3,935,560).

Regarding claim 13, Dorn teaches a light fixture in a secured position against a mounting surface (11), and sandwiching a base flange of a light guard between the light fixture and the mounting surface to position a body of the light guard, that extends generally perpendicular outward from the base flange, to extend a spaced relationship about a light source mounted in the light fixture (column 5, lines 11-22).

Regarding claim 14, Dorn further teaches the lighting fixture is attached by loosening the light fixture relative to the mounting surface, inserting the base flange of the light guard between the light fixture and the mounting surface and tighten the light fixture against the base flange of the light guard and mounting structure (column 5, lines 19-22, claim 1, and figure 11).

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Regarding claim 13 and 14, Dorn does not disclose a method of installing the guard.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the light guard apparatus of Dorn and provide a method of installing the light fixture against the mounting structures since Dorn discloses all the necessary embodiments needed to attach the light guard to light fixture.

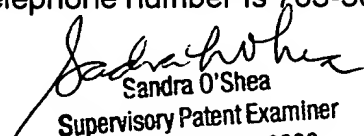
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones (US 3,087,054) and Baker et al (US 2,259,237) each shows a light guard having a first and second half that attaches to a light structure..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

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JAW

September 27, 2002